

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52260 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- CHAKIA District- East Champaran

1. Dharmendra Singh @ Dharmendra Kumar Son Of Ram Paras Singh Resident Of Village- Hira Chhapra, P.S. Kalyanpur, District- East Champaran
2. Umesh Rai Son Of Late Sumeshwar Rai Resident Of Village- Ganesh Sirisiya, P.S. Chakia, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Satyapal Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Chakia P. S. Case No. 105 of 2021 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3/4 Explosive Act.

As per the prosecution case, it is alleged that 25 to



30 miscreants committed dacoity in the house of the informant and looted away cash, ornaments and other valuable items and thereafter, fled away after hurling bomb on the door of the informant.

Learned counsel appearing on behalf of the petitioners submitted that the F.I.R. has been instituted against unknown persons, however, during the course of investigation, the name of the petitioner surfaced on the confessional statement of one Raj Kumar Rai and save and except the confessional statement, there is no other material, which suggests the complicity of the petitioners in the present crime. It is next contended that no incriminating articles or any looted materials have been recovered from the person or possession of these petitioners and they are in custody since 17.07.2021. It is further submitted that one of the accused person namely, Upendra Sah, whose name has also transpired on the confessional statement of the accused persons, has also been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 50031 of 2021 vide order dated 25.11.2021.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation ample material has come against the petitioners.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession and moreover, one of the co-accused persons, having identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and they are in custody since 17.07.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P. S. Case No. 105 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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